

Patent US 210D1
Edwards Ref: RMI-5707 CIP4CONSDIV
(formerly 269/089)

REMARKS

Claims 1-22 remain pending in this case. Claims 1 and 4 have been amended. Claims 14-22 have been newly added. Support for these amendments can be found in the original specification at, e.g., Figs. 1-14 and Figs. 25-26. Therefore, these amendments were made without the addition of new matter. Applicants respectfully request reconsideration and reexamination of the pending claims.

Art Rejections

Claims 1-13 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Miller et al. (U.S. Patent No. 5,549,626). The present application and claims 14-20 are entitled to an effective filing date of November 7, 1995. The Miller '626 patent was filed December 23, 1994, and did not issue until August 27, 1996, after the effective filing date of the present application. Thus, Miller does not qualify as prior art against claims 14-20 under § 102(b).

Regarding Claims 1 and 14, Applicants assert that Miller et al. does not teach or suggest a filter where "an axis of the filter extending perpendicular to an axis of the tubular member when inserted through the lumen" or where "the apex of the filter is distal the opening."

In contrast, as depicted in Figures 1-4 of Miller et al., the vena cava filter has an axis that is parallel, not perpendicular, to the tubular member. In addition, the apex of the filter is proximal to the opening. Accordingly, Claims 1 and 14 are allowable over Miller et al.

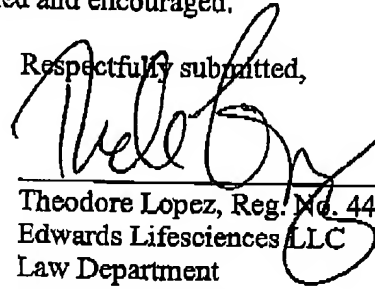
Claims 2-13 depend from claims 1 and are therefore allowable for at least the same reasons as claim 1 as well as for the novel features which they add. Claims 15-22 depend from claim 14 and are therefore allowable for at least the same reasons as claim 14 as well as for the novel features which they add.

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CONCLUSION

For the above reasons, pending Claims 1-22 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at 949-250-6856 is welcomed and encouraged.

Respectfully submitted,



Theodore Lopez, Reg. No. 44,881
Edwards Lifesciences LLC
Law Department
One Edwards Way
Irvine, California 92614
Telephone: (949) 250-6856
Facsimile: (949) 250-6850
Customer No. 30452

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